

Garrett S. Ledgerwood, OSB No. 143701
garrett.ledgerwood@millernash.com
MILLER NASH LLP
3400 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone: 503.224.5858
Facsimile: 503.224.0155

Darryl S. Laddin (*pro hac vice*)
darryl.laddin@agg.com
Frank N. White (*pro hac vice*)
frank.white@agg.com
ARNALL GOLDEN GREGORY LLP
171 17th Street, NW, Suite 2100
Atlanta, Georgia 30363
Telephone: 404.873.8500
Facsimile: 404.873.8121

Attorneys for Plaintiff
American Express National Bank

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

AMERICAN EXPRESS NATIONAL BANK,

Plaintiff,

v.

MICHAEL MALEKZADEH and
BETHANY MOCKERMAN,

Defendants.

Case No. 6:22-CV-01070-AA

**JOINT MOTION TO STAY
PROCEEDINGS**

MOTION

Plaintiff American Express National Bank (“*American Express*”) and Defendants Michael Malekzadeh and Bethany Mockerman (“*Defendants*”), pursuant to Fed. R. Civ. P. 6(b) and LR 16-3, jointly move the Court to stay this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) December 31, 2023.

MEMORANDUM

Plaintiff and Defendants have entered into a settlement agreement dated as of November 5, 2022 (the “*Settlement Agreement*”). Pursuant to the Settlement Agreement, (i) Defendants have agreed to entry of a consent judgment in favor of Plaintiff, resolving all claims in this proceeding (the “*Consent Judgment*”) and (ii) Plaintiff has agreed to delay entry of the Consent Judgment until the earlier of (A) entry of a guilty plea by Defendants in their related criminal proceeding pending before this Court (Case No. 22CR00262, the “*Criminal Proceeding*”), (B) if Defendants elect not to enter a guilty plea in the Criminal Proceeding or file certain pretrial motions in the Criminal Proceeding, twenty (20) days from such announcement or filing, (C) if Defendants breach certain of their obligations to Plaintiff under the Settlement Agreement, or (D) December 31, 2023.

Because the Settlement Agreement resolves all claims in this proceeding pending entry of the Consent Judgment, good cause exists to stay this proceeding pending entry of the Consent Judgment. Within thirty (30) days of the expiration of the deadlines under the Settlement Agreement, Plaintiff anticipates filing its motion to dissolve the stay in this proceeding and submitting the Consent Judgment for entry by the Court.

CONCLUSION

For the reasons set forth herein, the parties respectfully request that the Court grant this joint motion and stay this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) December 31, 2023.

DATED this 22nd day of November 2022.

MILLER NASH LLP

/s/ Garrett S. Ledgerwood

Garrett S. Ledgerwood (OSB# 143701)
Garrett.Ledgerwood@MillerNash.com
Phone: 503.205.2631

BOISE MATTHEWS LLP

/s/ Bridget M Donegan

Bridget M Donegan (OSB# 103753)
bridget@boisemattthews.com
Phone: 503.228.0487

Attorneys for Defendant Bethany
Mockerman

ARNALL GOLDEN GREGORY LLP

/s/ Darryl S. Laddin

Darryl S. Laddin (*pro hac vice*)
Frank N. White (*pro hac vice*)
darryl.laddin@agg.com
frank.white@agg.com
Phone: 404.873.8120

Attorneys for Plaintiff American Express
National Bank

SLINDE NELSON

/s/ Joseph M. Mabe

Joseph M. Mabe (OSB# 045286)
joe@slindenelson.com
Phone: 503.417.777

Attorneys for Defendant Michael Malekzadeh

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **JOINT MOTION TO STAY PROCEEDING**
on:

Joseph Mabe
Slinde Nelson
425 NW 10th, Suite 200
Portland, Oregon 97209
joe@slindenelson.com
Counsel to Defendant Michael Malekzadeh

Bridget M. Donegan
Boise Matthews LLP
Fox Tower
805 S.W. Broadway, Suite 1900
Portland, Oregon 97205
Counsel to Defendant Bethany Mockerman

by the following indicated method or methods on the date set forth below:

<input checked="" type="checkbox"/>	E-mail.
<input type="checkbox"/>	E-mail service under ORCP 9 G.
<input type="checkbox"/>	Facsimile communication device.
<input checked="" type="checkbox"/>	First-class mail, postage prepaid.
<input type="checkbox"/>	Hand-delivery.
<input type="checkbox"/>	Overnight courier, delivery prepaid.

Dated this 22nd day of November 2022.

/s/ Garrett S. Ledgerwood
Garrett S. Ledgerwood (OSB# 143701)
Phone: 503.205.2631
Garrett.Ledgerwood@MillerNash.com

4858-4455-4047.3